

U.S. Patent Application Serial No. 10/004,282  
Attorney Docket No. 15115.008001; D48tUS

### REMARKS

Please reconsider the present application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering the present application.

#### **I. Disposition of Claims**

Claims 1-6 are pending in the present application. Independent claims 1 and 4 have been amended.

#### **II. Claim Amendments**

Independent claims 1 and 4 have been amended to recite that the electronic transaction settlement system is associated with a spending account that is unassociated with an investment account. No new matter has been added by way of these amendments.

#### **III. Objection(s)**

The Abstract was objected to as being longer than 150 words. By way of this reply, the Abstract has been amended to be between 50 and 150 words in accordance with MPEP § 608.01(b). Accordingly, withdrawal of the objection to the Abstract is respectfully requested.

U.S. Patent Application Serial No. 10/004,782  
Attorney Docket No. 15115.008001; D486US

#### IV. Rejection(s) Under 35 U.S.C § 103

Claims 1-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,745,706 issued to Wolfberg et al. (hereinafter "Wolfberg"). For the reasons set forth below, this rejection is respectfully traversed.

The present invention is directed to a system for settling financial transactions electronically. In one exemplary embodiment of the present invention as shown in Figure 2 of the present application, a credit card company 14 pays a transaction party 13 the specific expenses that a user 12 requested to pay through an electronic settlement system 11 by using a predetermined method. To clarify that the present invention is directed to an electronic settlement system for spending-type financial transactions, independent claims 1 and 4 have been amended to require that the electronic settlement system involves a spending account that is electronically unassociated with an investment account. In other words, the electronic settlement system is used for paying a plurality of expenses from a spending account without any direct effect on an investment account.

Wolfberg, in contrast to the present invention, fails to disclose an arrangement as recited in amended independent claims 1 and 4. Wolfberg is directed to a system for administering a spending and investing account in a manner such that guidelines for spending flexibility and investment returns are synchronously met. Wolfberg, Abstract. The system associates a spending account with a related investment account so that the account holder may access the spending account within spending flexibility guidelines, while an account manager controls the associated investment account within the investment guidelines. *Id.* The system tracks and monitors the resources available in the

U.S. Patent Application Serial No. 10/004,282  
Attorney Docket No. 15115.008001; D486 US

spending account and the investment account, and responsive thereto, presents the account manager with signals indicating whether investment adjustments are suggested for meeting the investment guidelines while still permitting outflows from the spending account according to spending flexibility guidelines. *Id.*

Wolfberg, which is not directed to an electronic transaction settlement system as is the present invention, fails to disclose a spending account unrelated to an investment account as required by amended independent claims 1 and 4. The system of Wolfberg "associates a spending account with a related investment account." Wolfberg, column 2, lines 6 – 8. Accordingly, Wolfberg fails to disclose or teach, and actually teaches away from by way of the invention in Wolfberg, a spending account that is unassociated with an investment account.

In view of the above, Wolfberg fails to disclose or teach each and every limitation of amended independent claims 1 and 4, and therefore, cannot render amended independent claims 1 and 4 obvious. Dependent claims are patentable for at least the same reasons. Accordingly, withdrawal of the § 103 rejection is respectfully requested.


U.S. Patent Application Serial No. 10/004,282  
Attorney Docket No. 15115.008001; D486JS

## V. Conclusion

Applicant believes this reply to be fully responsive to all outstanding issues and place this application in condition for allowance. If this belief is incorrect, or other issues arise, do not hesitate to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 15115.008001; D486US).

Date: 6/27/03

Respectfully submitted,

 #45,079  
Jonathan P. Osha, Reg. No. 33,986  
ROSENTHAL & OSHA L.L.P.  
1221 McKinney Street, Suite 2800  
Houston, TX 77010  
Telephone: (713) 228-8600  
Facsimile: (713) 228-8778

47398\_1